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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAI‘I

HUI HO‘OMALU I KA ‘ĀINA;)	Civil No. 17-00423 ACK RLP
CONSERVATION COUNCIL FOR)	
HAWAI‘I; and CENTER FOR)	ORDER AND JOINT STIPULATION
BIOLOGICAL DIVERSITY,)	FOR DISMISSAL OF ALL CLAIMS
)	
Plaintiffs,)	
)	
v.)	
)	
HAWAI‘I DEPARTMENT OF)	
TRANSPORTATION; and FORD)	
FUCHIGAMI, Director of Hawai‘i)	
Department of Transportation,)	
)	
Defendants.)	
)	

ORDER AND JOINT STIPULATION FOR DISMISSAL OF ALL CLAIMS

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), IT IS HEREBY
STIPULATED by and between plaintiffs Hui Ho‘omalu I Ka ‘Āina, Conservation

* Pursuant to Local Rule 10.2(b), the complete list of parties represented is set forth on the signature page.

Council for Hawai‘i and Center for Biological Diversity (collectively, “Plaintiffs”) and defendants Hawai‘i Department of Transportation and Hawai‘i Department of Transportation Director Ford Fuchigami (collectively, “Defendants”), by and through their respective counsel and without any admission of law or fact, that:

1. Defendants withdraw their pending Motion to Dismiss Plaintiffs’ Amended Complaint (Dkt. No. 19);
2. All of Plaintiffs’ claims against Defendant Hawai‘i Department of Transportation in the above-captioned matter are dismissed with prejudice;
3. All of Plaintiffs’ claims against Defendant Hawai‘i Department of Transportation Director Ford Fuchigami in the above-captioned matter are dismissed without prejudice; and
4. Each side shall bear its own costs and fees.

Executed this 26th day of September, 2017.

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By: /s/ David L. Henkin
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By: /s/ John H. Price
JOHN H. PRICE
Attorneys for Defendants

APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, September 27, 2017



Alan C. Kay
Alan C. Kay
Sr. United States District Judge

Hui Ho'omalu I Ka 'Āina, et al., v. Hawai'i Department of Transportation, et al.
Civil No. 17-00423 ACK RLP (D. Haw); ORDER AND JOINT STIPULATION
FOR DISMISSAL OF ALL CLAIMS